

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM D. BROWN,

Plaintiff,

vs.

ALAN UCHTMAN,

Defendants.

)
)
)
)
)
)
)
)
)
)

Civil No. 06-36-MJR

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's motion to compel Donald A. Hulick, the current warden at Menard Correctional Center, to produce copies of commissary receipts, an incident report and a grievance. **(Doc. 21)**. Plaintiff also requests a brief extension of the discovery period so that he can obtain the requested items.

A review of the record reveals that Warden Hulick is not a named defendant in this action. Moreover, there is no indication that plaintiff has subpoenaed the requested items from Hulick. It is not even clear that plaintiff has ever actually asked Hulick for the materials. Therefore, plaintiff's motion to compel must fail.

Insofar as plaintiff seeks an extension of time to complete discovery, a review of the record reveals that plaintiff had three and a half months for discovery, and his motion to compel was not even filed until almost one month after the March 1, 2007, discovery cutoff. Plaintiff is free to informally request the materials he seeks, from either the defendants or anyone else, but the Court will not extend the discovery period. Plaintiff has acknowledged that he can obtain the materials he desires by paying for copies, but he appears to be attempting to evade the copying charge by having the Court order prison officials to produce the requested materials. There is no

constitutional “right to xerox.” *Jones v. Franzen*, 697 F.2d 801, 803 (7th Cir. 1983).

Furthermore, *Ivey v. Harney*, 47 F.3d 181 (7th Cir. 1995), prohibits the Court from shifting discovery responsibilities and costs from the plaintiff, except in the rarest of circumstances.

IT IS THEREFORE ORDERED that plaintiff’s motion (**Doc. 21**) is **DENIED** in all respects.

IT IS SO ORDERED.

DATED: April 5, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE